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October 4, 2019

VIA ECF & FACSIMILE

Honorable Gabriel W. Gorenstein
 United States Magistrate Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: *Wolfson et al. v. UBS Securities LLC,*
Case No: 1:19-mc-00108-JGK (S.D.N.Y.)

Dear Judge Gorenstein:

In response to the Court’s September 26, 2019 request, Defendant UBS Securities LLC (“UBS”) and Plaintiffs Robert Wolfson, Frank Pinto, and Scott Posson (“Plaintiffs”) (together, the “Parties”), jointly submit this letter to provide the Court with the status of the above-captioned matter. Since the May 29, 2019 hearing on Plaintiffs’ motion to compel production, the Parties have negotiated in good faith to reach an agreement on the scope of the production of the requested Financial Information Exchange protocol messages (“FIX messages”) associated with approximately 33 million Charles Schwab order and execution records over 14 trade dates between 2011 and 2014. Subject to the completion of Plaintiffs’ review of the produced FIX messages, the Parties believe that they will be able to resolve their dispute and voluntarily dismiss the above-captioned matter. The Parties respectfully request an additional 90 days for UBS to complete its ongoing production and for Plaintiffs to complete their review to confirm the completeness of the requested FIX messages.

To date, UBS has produced responsive FIX messages from 11 of the 14 requested trade dates and will continue to make rolling productions as quickly as possible. Although the age of the requested FIX messages caused initial delays in locating relevant data and restoring the appropriate backup tapes from a now decommissioned system, UBS has since rebuilt the necessary restore environment and catalogue and believes it will be able to complete the production within the requested additional time.



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Sincerely,

/s/ Patrick M. Smith
Patrick M. Smith (*Pro Hac Vice*)

Counsel for Defendant UBS Securities LLC

Cc: All Counsel of Record via ECF